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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/041,040 | 12/28/2001 | Gary Solomon | 42390.P13767 | 1949 |
| 7590 | 08/17/2005 | | EXAMINER | |
| BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP | | | ABRAHAM, ESAW T | |
| Seventh Floor | | | ART UNIT | PAPER NUMBER |
| 12400 Wilshire Boulevard | | | | 2133 |
| Los Angeles, CA 90025-1026 | | | | |

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/041,040 | SOLOMON ET AL. |
| | Examiner Esaw T. Abraham | Art Unit 2133 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 June 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 and 15-24 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-13 and 15-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 December 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Final office action

Response to the applicant's argument

Applicants' argument with respect to amended claims 1-13 and 15-24 filled in 06/15/05 have been fully considered but they are not persuasive. The examiner would like to point out that this action is made final (MPEP 706.07a).

The applicant argues that the prior art Doiron does not teach a transmitter (requesting device) to transmit a packet for a request transaction that does not expect a successful completion or that does not expect unsuccessful completion (expect a successful completion) and a receiver (a completing device) to return or transmit a message to the transmitter if the request transaction is unsuccessful. However, Doiron in figure 1 teaches data packets transmitted from the transmission unit (requesting device) (12) to the receiving unit (a completing device) (14) through a data path. Further, Doiron teaches an ARQ protocol employed between the sender and receiver so that when data is received incorrectly (a message with an error) and cannot be correctly reconstructed the receiver transmits a negative acknowledgment (NAK) over the network (see col. 5, lines 16-19). Therefore, the applicants' argument although acknowledged, has not been found to be convincing.

In response to the applicant's argument that the reference fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies ("in one embodiment the present invention in pages 19 and 20 or figures 12 and 13 teaches if the completion status is other than "successful completion" then the value of the completer ID field is recorded, the value is stored in a register and a received unsuccessful completion bit is set in a register in the requesting device (see pages 19 and 20") are not recited in the rejected claims(s).

Although the claims are interpreted in light of the specification, limitation from the specification is not read into the claims. See *in re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

1. Claims 1-13 and 15-24 remains pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1-13 and 15-24** are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Doiron (U.S. PN: 5,968,197).

As per claims **1, 7, 13 and 18**, Doiron in figure 1 teaches or discloses a data communications network which includes a sending unit (12) for sending packets of data over a network bus (16) to a receiving unit (14) whereby both units include transceivers (24) and (30) for communicating packet information over the network bus 16. Doiron further teach an automatic repeat request (ARQ) protocol is employed between sender and receiver so that when a data unit is received correctly by the receiving unit, the receiving unit transmits an acknowledgment (ACK) back to the sending unit and if the data unit is received incorrectly (unsuccessfully) and cannot be correctly reconstructed, the receiving unit transmits a negative acknowledgment (NAK) to the sending unit (see col. 4, last paragraph and figure 2 steps 40-44). Although, Doiron does not explicitly teach a transmitting device that does not expect a

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completion acknowledgment for a request transaction, the practice is inherent for the system of Doiron because by virtue of the fact any transmitting device can transmit successful or unsuccessful messages depending on the system's configuration and if the transmitting device transmits unsuccessful messages the receiving device must retransmit a NAK message and if the transmitting device transmits successful messages the receiving device must retransmit an ACK message.

As per claims **2-3, 8-9, 19 and 20**, Doiron teaches all the subject matter claimed in claim 1, 7, 13 and 18 including Doiron in figure 3A teaches a data format where data is sent in units and the message may begin with a header portion of bits allocated to any number of functions including start of a data message, sender and/or receiver address information, length of the message, etc (see col. 5, last paragraph).

As per claims **4, 10, 17 and 21**, Doiron teaches all the subject matter claimed in claim 1, 7, and 13 including Doiron teach that the receiving unit transmits an acknowledgment (ACK) back to the sending unit and if the data unit is received incorrectly (unsuccessfully) and cannot be correctly reconstructed, the receiving unit transmits a negative acknowledgment (NAK) to the sending unit (see col. 4, last paragraph and figure 2 steps 40-44).

As per claims **5, 11, 15 and 22**, Doiron teaches all the subject matter claimed in claim 1, 7, 13 and 18 including Doiron teach that the receiving unit transmits an acknowledgment (ACK) back to the sending unit and if the data unit is received incorrectly or received undefined error messages and cannot be correctly reconstructed, the receiving unit transmits a negative acknowledgment (NAK) to the sending unit (see col. 4, last paragraph and figure 2 steps 40-44).

As per claims **6, 12, 16, 23 and 24**, Doiron teaches all the subject matter claimed in claim 1, 7, 13 and 18 including Doiron teach that the receiving unit transmits an acknowledgment (ACK) back to the sending unit and if the data unit is received incorrectly or received malformed error messages and cannot be correctly reconstructed, the receiving unit transmits a negative acknowledgment (NAK) to the sending unit (see col. 4, last paragraph and figure 2 steps 40-44).

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Esaw Abraham whose telephone number is (571) 272-3812. The examiner can normally be reached on M-F 8-5.

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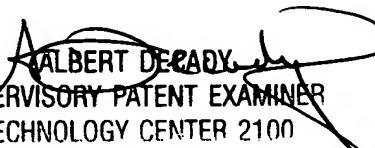
If attempts to reach the examiner by telephone are successful, the examiner's supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300.

Information regarding the status of an Application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or PUBLIC PAIR. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Esaw Abraham

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ALBERT DECADY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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